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Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,
STATE OF CALIFORNIA,
STATE OF COLORADO,
STATE OF CONNECTICUT,
STATE OF DELAWARE,
THE DISTRICT OF COLUMBIA,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF HAWAII,
STATE OF ILLINOIS,
STATE OF INDIANA,
STATE OF IOWA,
STATE OF LOUISIANA,
STATE OF MARYLAND,
COMMONWEALTH OF
MASSACHUSETTS,
STATE OF MICHIGAN,
STATE OF MINNESOTA,
STATE OF MONTANA,
STATE OF NEVADA,
STATE OF NEW JERSEY,
STATE OF NEW MEXICO,
STATE OF NEW YORK,
STATE OF NORTH CAROLINA,
STATE OF OKLAHOMA,
STATE OF RHODE ISLAND,
STATE OF TENNESSEE,
STATE OF TEXAS,
COMMONWEALTH OF VIRGINIA,
STATE OF WASHINGTON, AND
STATE OF WISCONSIN,
ex rel. CHARLES J. WOLF,

Plaintiffs,

Hon. Claire C. Cecchi

Civil Action No. 16-01855 (CCC) (MF)

**NOTICE OF DISMISSAL AND
RELATOR'S RESERVATION OF
CERTAIN CLAIMS**

v.

MERIT MEDICAL SYSTEMS, INC.,

Defendant.

Plaintiff United States of America and Relator Charles J. Wolf, M.D. file this notice of dismissal as to their claims in this case against Defendant Merit Medical Systems, Inc. (Merit) in accordance with the terms set forth below.

1. Effective October 13, 2020, the United States and Relator entered into a civil settlement agreement with Merit (Settlement Agreement), which compromises certain claims and causes of action in Relator's *qui tam* Complaint. Pursuant to the Settlement Agreement, Relator specifically reserved his right to recover reasonable expenses, attorneys' fees, and costs under 31 U.S.C. § 3730(d) and to entitlement under 31 U.S.C. § 3730(d), and State equivalents, to a share of the proceeds of the Medicaid State Settlement Agreements.

2. Pursuant to Federal Rule of Civil Procedure 41(a) and 31 U.S.C. § 3730(b)(1), the United States and Relator hereby notice the dismissal of their claims in this case against Merit. As to the United States' and the Relator's claims in this case against Merit for the Covered Conduct, as that term is defined in the Settlement Agreement, the dismissal shall be with prejudice, except that Relator reserves his right to recover reasonable expenses, attorneys' fees, and costs under 31 U.S.C. § 3730(d) and to his share of the proceeds of the Medicaid State Settlement Agreements. As to all claims against Merit in this case other than the Covered Conduct, the dismissal shall be without prejudice to the United States and with prejudice to the Relator, except that Relator reserves the right to recover reasonable expenses, attorneys' fees, and costs under 31 U.S.C. § 3730(d) and to his share of the Medicaid State Settlement Agreements. This court shall retain

jurisdiction over Merit to consider claims by the Relator for reasonable expenses, attorneys' fees, and costs under 31 U.S.C. § 3730(d) and as to Relator's entitlement to a share of the proceeds of the Medicaid State Settlement Agreements.

3. A notice of dismissal pursuant to Rule 41(a)(1) is appropriate because Merit has not served an answer or a motion for summary judgment in this case.

Date: November 4, 2020.

Respectfully Submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General
Civil Division

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(*pro hac vice admission*)

Attorneys for Relator Charles J. Wolf, M.D.

SO ORDERED.

DATE: November 18, 2020

A handwritten signature in black ink, appearing to read 'Cc', is written over a light blue horizontal line.

CLAIRE C. CECCHI, U.S.D.J.